

HOUSE BILL 413

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HB 186/00 - APP

2001 Regular Session
11r0871
CF 11r2410

By: **Delegates Glassman, James, Hubers, Conroy, Rosso, Giannetti, Wood, Shank, Hutchins, Elliott, Boschert, Stull, Weir, Sophocleus, Rudolph, Bronrott, Riley, Parrott, Boutin, Hecht, Getty, and Clagett**

Introduced and read first time: February 1, 2001

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Land Preservation Grants Act of 2001**

3 FOR the purpose of establishing the Agricultural Land Preservation Supplementary
4 Grants Fund; requiring the Maryland Agricultural Land Preservation
5 Foundation to administer the Fund and establish certain application
6 procedures; requiring the State to provide certain agricultural land preservation
7 grants to certain counties; limiting use of the funds to certain purposes;
8 providing that certain moneys in the Fund not spent by a certain date shall be
9 transferred to the Maryland Agricultural Land Preservation Fund to be used for
10 certain purposes; providing for the termination of this Act; and generally
11 relating to agricultural land preservation programs.

12 BY adding to
13 Article - Agriculture
14 Section 2-508.2
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Agriculture
19 Section 2-512
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Agriculture**

2 2-508.2.

3 (A) IN THIS SECTION, "FUND" MEANS THE AGRICULTURAL LAND
4 PRESERVATION SUPPLEMENTARY GRANTS FUND.

5 (B) THERE IS AN AGRICULTURAL LAND PRESERVATION SUPPLEMENTARY
6 GRANTS FUND WITHIN THE DEPARTMENT.

7 (C) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
8 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 (2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
10 SHALL ACCOUNT FOR THE FUND.

11 (3) THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS
12 OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

13 (D) THE FUND CONSISTS OF:

14 (1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

15 (2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND.

16 (E) (1) THE FUND SHALL BE ADMINISTERED BY THE MARYLAND
17 AGRICULTURAL LAND PRESERVATION FOUNDATION.

18 (2) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
19 SHALL ESTABLISH APPLICATION PROCEDURES FOR COUNTIES TO APPLY FOR
20 GRANTS FROM THE FUND.

21 (F) A COUNTY THAT IS NOT CERTIFIED UNDER § 5-408 OF THE STATE FINANCE
22 AND PROCUREMENT ARTICLE ON JULY 1, 2001 SHALL RECEIVE A GRANT FROM THE
23 FUND OF NO MORE THAN \$50,000 TO DEVELOP LAND USE AND PRESERVATION PLANS
24 AND POLICIES THAT:

25 (1) SUPPORT THE PRESERVATION OF AGRICULTURAL LAND; AND

26 (2) ARE NECESSARY FOR CERTIFICATION UNDER § 5-408 OF THE STATE
27 FINANCE AND PROCUREMENT ARTICLE.

28 (G) (1) A COUNTY THAT IS CERTIFIED UNDER § 5-408 OF THE STATE
29 FINANCE AND PROCUREMENT ARTICLE BY JUNE 30, 2002 SHALL RECEIVE A GRANT
30 FROM THE FUND OF \$100,000.

31 (2) A COUNTY THAT RECEIVES A GRANT UNDER THIS SUBSECTION MAY
32 ONLY USE THE FUNDS FOR THE PURCHASE OF AN AGRICULTURAL LAND
33 PRESERVATION EASEMENT TO BE HELD BY THE MARYLAND AGRICULTURAL LAND
34 PRESERVATION FOUNDATION OR A COUNTY THAT HAS BEEN CERTIFIED UNDER §
35 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (H) (1) A COUNTY THAT IS CERTIFIED UNDER § 5-408 OF THE STATE
2 FINANCE AND PROCUREMENT ARTICLE OR THAT PARTICIPATES IN THE MATCHING
3 PROGRAM ESTABLISHED UNDER § 2-512 OF THIS ARTICLE SHALL RECEIVE A GRANT
4 FROM THE FUND IN AN AMOUNT EQUAL TO THE LESSER OF:

5 (I) \$200,000; OR

6 (II) TWICE THE INCREASE IN THE COUNTY'S MATCHING FUND
7 COMMITMENT IN STATE FISCAL YEAR 2003 OVER STATE FISCAL YEAR 2001 FROM
8 SOURCES OTHER THAN THE STATE AGRICULTURAL TRANSFER TAX COLLECTIONS.

9 (2) A COUNTY THAT RECEIVES A GRANT UNDER THIS SUBSECTION MAY
10 ONLY USE THE FUNDS FOR THE PURCHASE OF AN AGRICULTURAL LAND
11 PRESERVATION EASEMENT TO BE HELD BY THE MARYLAND AGRICULTURAL LAND
12 PRESERVATION FOUNDATION OR A COUNTY THAT HAS BEEN CERTIFIED UNDER §
13 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (I) A COUNTY MAY NOT RECEIVE GRANTS FROM THE FUND TOTALING MORE
15 THAN \$300,000.

16 (J) (1) ANY GRANTS AWARDED TO A COUNTY FROM THE FUND THAT ARE
17 NOT SPENT BY JULY 1, 2004 SHALL BE TRANSFERRED TO THE MARYLAND
18 AGRICULTURAL LAND PRESERVATION FUND TO BE USED TO PURCHASE EASEMENTS
19 AS PROVIDED IN § 2-508.1(C) OF THIS ARTICLE.

20 (2) ANY MONEYS IN THE FUND THAT ARE NOT AWARDED BY JULY 1, 2004
21 SHALL BE TRANSFERRED TO THE MARYLAND AGRICULTURAL LAND PRESERVATION
22 FUND TO BE USED TO PURCHASE EASEMENTS AS PROVIDED IN § 2-508.1(C) OF THIS
23 ARTICLE.

24 2-512.

25 (a) The Foundation may not approve matching allotted purchases of
26 easements for land located in any county which has not secured approval from the
27 Foundation for a local program of agricultural land preservation.

28 (b) The Foundation may approve a local program of agricultural land
29 preservation upon request of a county, provided that:

30 (1) The county shall agree to make payments up to a specified aggregate
31 amount to the Maryland Agricultural Land Preservation Fund to equal at least 40
32 percent of the value of any easement acquired by the Foundation as a result of a
33 matching allotted purchase, made during the ensuing fiscal year; and

34 (2) The county shall show evidence that any county program for the
35 acquisition of agricultural land for preservation, or easements for purposes of
36 preservation of agricultural land, will not result in preservation of land which does
37 not meet the minimum standards set by the Foundation under § 2-509 of this
38 subtitle; and

1 (3) The request for approval of a local program must be submitted to the
2 Foundation, together with any necessary agreements not later than 90 days prior to
3 the beginning of the fiscal year for which approval is being sought.

4 (c) Approval of a local program by the Foundation is valid only during the
5 next fiscal year following the fiscal year of the request for approval by the county.

6 (d) Local programs shall be approved upon the affirmative vote of a majority
7 of the Foundation members at-large, and upon approval of the Secretary and the
8 State Treasurer.

9 (e) (1) In this subsection, "development rights" mean the potential for
10 improvement of a parcel of real property that is measured in dwelling units or units of
11 commercial or industrial space and that exist because of the zoning classification of
12 the parcel.

13 (2) A county shall use that county's unencumbered and uncommitted
14 matching funds and any additional funds under § 2-508.1 of this subtitle available to
15 a county certified by the Department of Planning and the Foundation under § 5-408
16 of the State Finance and Procurement Article to purchase development rights and
17 guarantee loans that are collateralized by development rights for agricultural land
18 that meets the minimum standards set by the Foundation under § 2-509(c) of this
19 subtitle, except as provided in paragraph (3) of this subsection.

20 (3) For a county certified by the Department of Planning and the
21 Foundation under § 5-408 of the State Finance and Procurement Article, in lieu of
22 any acreage requirement set by the Foundation under § 2-509(c) of this subtitle,
23 development rights purchased by or collateralizing loans guaranteed by a county
24 under this subsection shall be for agricultural land of significant size to promote an
25 agricultural operation.

26 (4) This subsection may not be construed to prohibit any county from
27 accepting funds from private sources and using those private funds to purchase
28 development rights or guarantee loans that are collateralized by development rights.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2001. It shall remain effective for a period of 4 years and, at the end of June
31 30, 2005, with no further action required by the General Assembly, this Act shall be
32 abrogated and of no further force and effect.